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Attorneys for Plaintiffs,

ARISTA RECORDS LLC; UMG RECORDINGS,  
INC.; ATLANTIC RECORDING  
CORPORATION; and CAPITOL RECORDS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ARISTA RECORDS LLC, a Delaware limited  
liability company; UMG RECORDINGS, INC.,  
a Delaware corporation; ATLANTIC  
RECORDING CORPORATION, a Delaware  
corporation; and CAPITOL RECORDS, INC., a  
Delaware corporation,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO. C 07-04118 SBA

**The Honorable Sandra B. Armstrong**

***EX PARTE* APPLICATION TO CONTINUE  
CASE MANAGEMENT CONFERENCE  
AND EXTEND TIME TO SERVE  
DEFENDANT AND ORDER**

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3 Because Defendant John Doe ("Defendant") has not yet been identified, Plaintiffs  
4 respectfully request that the Court continue the case management conference currently set for  
5 November 15, 2007, at 3:00 p.m. to February 14, 2008. Plaintiffs further request, pursuant to the  
6 Federal Rules of Civil Procedure, Rules 4(m) and 6(b)(1), that Plaintiffs' time to serve the Summons  
7 and Complaint on Defendant be extended from December 7, 2007 to March 6, 2008.

8 Plaintiffs filed the Complaint against Defendant on August 9, 2007. Also on August 9, 2007,  
9 Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery, seeking the  
10 Court's permission to serve a Rule 45 subpoena on University of California, Santa Cruz ("UC Santa  
11 Cruz") so that Plaintiffs could obtain information sufficient to identify Defendant. On August 22,  
12 2007, this Court issued its Order Granting Plaintiffs' *Ex Parte* Application for Leave to Take  
13 Immediate Discovery. Pursuant to the Court's Order, Plaintiffs have served UC Santa Cruz with a  
14 Rule 45 subpoena directing UC Santa Cruz to produce certain information necessary to identify  
15 Defendant. Plaintiffs expect UC Santa Cruz to respond to the subpoena on November 28, 2007.

16 Because Plaintiffs cannot identify Defendant until UC Santa Cruz has responded to  
17 Plaintiffs' subpoena, there is not yet a known defendant with whom to confer, and a case  
18 management conference is unnecessary at this time. Plaintiffs therefore respectfully request that the  
19 Court continue the case management conference currently set for November 15, 2007, at 3:00 p.m.  
20 to February 14, 2008. Because the original time period for Plaintiffs to serve the Summons and  
21 Complaint on Defendant will expire on December 7, 2007 (only nine days after Plaintiffs expect to  
22 receive the subpoena response enabling them to identify Defendant), Plaintiffs further request that  
23 the time to serve the Summons and Complaint on Defendant be extended to March 6, 2008.

24 Dated: November 7, 2007

HOLME ROBERTS & OWEN LLP

25 By: /s/ Matthew Franklin Jaksa  
26 MATTHEW FRANKLIN JAKSA  
27 Attorney for Plaintiffs  
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**ORDER**

Good cause having been shown:

**IT IS ORDERED** that the case management conference currently set for November 15, 2007, at 3:00 p.m. be continued to February 14, 2008, at 2:30 p.m. The parties shall **meet and confer** prior to the conference and shall prepare a joint Case Management Conference Statement which shall be filed no later than ten (10) days prior to the Case Management Conference that complies with the Standing Order For All Judges Of The Northern District Of California and the Standing Order of this Court. Plaintiffs shall be responsible for filing the statement as well as for arranging the conference call. All parties shall be on the line and shall call (510) 637-3559 at the above indicated date and time.

**IT IS FURTHER ORDERED** that, pursuant to the Federal Rules of Civil Procedure, Rules 4(m) and 6(b)(1), Plaintiffs' time to serve the Summons and Complaint on Defendant shall be extended to March 6, 2008.

Dated: \_11/8/07

By: *Saundra B. Armstrong*  
Honorable Saundra B. Armstrong  
United States District Judge